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NOTICE OF ALLOWANCE AND FEE(S) DUE

29479 7590 02/24/2004

ALLEN Y. TIEN
7921 RUXWAY RD.
TOWSON, MD 21204-3515

EXAMINER

VEILLARD, JACQUES

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 02/24/2004

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,772	03/31/2000	Allan Y. Tien	39915	9392

TITLE OF INVENTION: SYSTEM AND METHOD FOR INDEXING RECORDINGS OF OBSERVED AND ASSESSED PHENOMENA USING PRE-DEFINED MEASUREMENT ITEMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	05/24/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
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(703) 746-4000**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

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29479 7590 02/24/2004

ALLEN Y. TIEN
7921 RUXWAY RD.
TOWSON, MD 21204-3515

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$665	\$0	\$665	05/24/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
VEILLARD, JACQUES	2175	707-001000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	
2	
3	

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
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- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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			ART UNIT	PAPER NUMBER

2175

DATE MAILED: 02/24/2004

Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

09/539,772

Examiner

Jacques Veillard

Applicant(s)

TIEN, ALLAN Y.

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/30/2003.
2. ☒ The allowed claim(s) is/are 48-60, 63-74, 77-90.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Charles L. Jones
CHARLES ROBERT JONES
PRIMARY EXAMINER

DETAILED ACTION

1. This action is responsive to the Applicant's amendment filed on 6/30/2003.
2. Claims 1-47 have been canceled, and claims 48-90 have been added.
3. Claims 47-90 are pending and presented for examination.
4. Claims 48, 54, 80 and 85 are the independent claims. Other claims are the dependent.

Drawings

5. The drawings filed on 11/12/2002 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Examiner's Amendment

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lesley Coulson (Reg. No. 46,642) the undersigned for applicant(s) on February 17, 2004.

7. **The application has been amended as follow:**

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Amendment to the claims

Please amend the listing of claims below as required by the attorney.

Listing of claims:

Claim ¹~~48~~ (Currently amended): An assessment system comprising:

- a. ~~at least one~~ a set of related predefined measurement ~~item~~ items used to structure observation and assessment of observable events or phenomena, said set of related predefined measurement items being selected from the group consisting of a questionnaire, examination plan, interview schedule, report form, set of directions or established survey;
- b. means for presenting a subject or operator with ~~said~~ at least one item from said set of measurement item items;
- D1 c. means for recording at least one observable event or phenomenon with said presentation of at least one measurement item and storing the recorded at least one observable event or phenomenon as a track of event data sequenced by a track of address data; and
- d. for each presented measurement item, means for associating the at least one presented measurement item to at least one portion of the event data in an index database that includes at least one field denoting the presented measurement item and at least one field denoting address data for the at least one portion of the event data associated with the presented measurement item.

Claim ¹⁹~~54~~ (Currently amended): A method for systematically assessing observable events or phenomena, comprising:

- D2 a. presenting a predefined measurement item from a set of related predefined measurement ~~item~~ items to a subject or operator, wherein said set of predefined measurement item-is items are used to structure the observation and assessment of observable events or phenomena, said set of related predefined measurement items being selected from the group consisting of a questionnaire, examination plan, interview schedule, report form, set of directions or established survey;

- D2
- b. making a record of at least one observable event or phenomenon associated with said presented measurement item, said record having a track of event data sequenced by a track of address data; and
 - c. generating an index entry in a database linking the presented ~~predefined~~ measurement item to a portion of the event data record[;], wherein said index entry comprises a measurement item identifier field indicative of said ~~predefined~~ presented measurement item, and a field containing address data indicative of an address for the portion of the event data record.

Claim 61 (Cancelled)

Claim 62 (Cancelled)

D3

Claim ¹~~63~~ (Currently amended): The assessment system of claim ~~61~~ ¹~~48~~ wherein said set of related predefined measurement items includes a pre-existing set of predefined measurement items used independently of said assessment system to observe and assess events or phenomena.

Claim ⁸~~64~~ (Currently mended): The assessment system of claim ~~61~~ ¹~~48~~ wherein said means for associating the at least one presented measurement item to at least one portion of the event data includes means for associating each predefined measurement item in the set of predefined measurement items to at least one portion of the event data.

D4

Claim ¹¹~~67~~ (Currently amended): The assessment system of claim ~~48~~ ¹~~48~~, additionally comprising means for accepting input from the operator or subject, said input indicating that the operator or subject is ready for the presentation of another measurement item.

D5

Claim ¹⁴~~70~~ (Currently amended): The assessment system of claim ~~48~~ ¹~~48~~, additionally comprising means for augmenting said index database by adding information relating to said at least one portion of the event data to said database without changing the association of said at least one presented measurement item with said at least one portion of the event data.

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D5
Claim ²¹ ~~71~~ (Currently amended): The method of claim ¹⁹ ~~54~~, additionally comprising the step of:
accepting input from the operator or subject indicating that the operator or subject is
ready for ~~the~~ presentation of another measurement item from the set of related predefined
measurement items;

wherein said step of generating an index entry in a database linking the measurement
item to a portion of the record of event data automatically occurs upon said input from said
operator or subject.

Claim 75 (Cancelled)

Claim 76 (Cancelled)

Claim ³⁰ ~~77~~ (Currently amended): The method of claim ¹⁹ ~~75~~ ~~54~~ wherein said set of related predefined
measurement items comprises a pre-existing set of predefined measurement items used
independently of said method to observe and assess events or phenomena.

Claim ³¹ ~~78~~ (Currently amended): The method of claim ¹⁹ ~~75~~ ~~54~~, wherein said step of generating an
index entry in a database comprises generating an index entry for each measurement item in the
set of related predefined measurement items.

D6
Claim ³² ~~79~~ (Currently amended): The method of claim ¹⁹ ~~48~~ ~~54~~, additionally comprising the step of
creating and storing said at least one predefined measurement item before said step of presenting
said ~~at least one~~ a predefined measurement item to a subject or operator.

Claim ³⁵ ~~80~~ (Currently amended): A computer-readable medium containing instructions that cause
a computer to index a recording of at least one observable event in an assessment system, said
medium comprising:

a storage section for storing a digital recording of the at least one observable event, said
digital recording having a track of event data sequenced by a track of address data;

a first code section containing instructions that cause the computer to present at least one predefined measurement item selected from a set of related predefined measurement items to a subject or operator, said ~~at least one set of related predefined measurement item items~~ being used to structure the observation and assessment of observable events or phenomena, and said set of related predefined measurement items being selected from the group consisting of a questionnaire, examination plan, interview schedule, report form, set of directions or established survey; and

a second code section containing instructions that cause the computer to automatically generate an index entry in a database linking the presented measurement item to at least one portion of the at least one stored observable event; wherein said index entry comprises a measurement item identifier field indicative of said presented measurement item, and an address field indicative of an address for the at least one portion of the at least one observable event stored in the track of event data.

³⁶ Claim ~~81~~ (Currently amended): The computer-readable medium of claim ³⁵~~80~~, wherein said at least one predefined measurement item comprises a set of ~~pre-existing predefined measurement items~~, the set of related predefined measurement items being used independently of said assessment system to observe and assess events or phenomena.

¹⁶ Claim ~~85~~ (Currently amended): An assessment system comprising:

- a. at least one predefined measurement item used to structure assessment observable events or phenomena, said at least one predefined measurement item selected from a set of related predefined measurement items, said set of related predefined measurement items being selected from the group consisting of a questionnaire, examination plan, interview schedule, report form, set of directions or established survey;
- b. stored event data of at least one recorded observable event, said at least one observable event occurring simultaneously with a presentation of at least one predefined measurement item, said stored event data being sequenced by a track of address data; and

① c. an index database including a field indicative of a measurement item and a field indicative of an address in the stored event data for a portion of the stored event data associated with the presented measurement item; wherein an operator reviewing the at least one recorded observable event in the stored event data can create or update an entry in the index database for a measurement item.

Allowable Subject Matter

8. Claims 48-60, 63-74, and 77-90 are allowed over the prior art of record.

9. The following is an examiner's statement of reasons for allowance:

Regarding the independent claims 48, 54, 80 and 85, Applicant particularly disclose an assessment system comprising at least one predefined measurement item used to structure assessment observable events or phenomena, the at least one predefined measurement item selected from a set of related predefined measurement items, being selected from the group consisting of a questionnaire, examination plan, interview schedule, report form, set of directions or established survey as recited in independent claims 48, 54, 80, and 85, in combination with the other claims limitations, were not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

The dependent claims, being further limiting to the independent claims, definite and enabled by the specification are also allowed.

The closest prior art Rindfuss (U. S. Pat No. 4,841,387) and Ardis et al. (U. S. Pat. No. 5,172,281) disclose a system for recording information relating to an event using video transcript. Rindfuss and Ardis taken singularly or in combination fail or suggest to teach a predefined measurement item used to structure assessment observable events or phenomena, wherein the predefined measurement item selected from a set of related predefined measurement items, being

selected from the group consisting of a questionnaire, examination plan, interview schedule, report form, set of directions or established survey. The closest prior art fail to anticipate or render Applicant's limitations above obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Other Prior Art Made of Record

- | | | |
|-----|------------------------|-------------------------------|
| 10. | Van Thong et al. | U. S. Pat. No. 6,490,553, |
| | Weber | U. S. Pat. No. 6,230,121, |
| | Bennett et al. | U. S. Pat. No. 5,949,952, and |
| | Bossemeyer, Jr. et al. | U. S. Pat. No. 6,510,427. |

Conclusion

11. **Any response to this action should be mail to:**

Commissioner of Patent and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 746-7239 (for formal communication intended for entry)

Or:

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Art Unit: 2175

(703) 746-7240 (for informal of draft communications, please label


"PROPOSED" or "DRAFT")

Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington.

VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on (703) 305-3830. The fax phone number for this group is (703) 308-5403.


CHARLES RONES
PRIMARY EXAMINER



Jacques Veillard
Patent Examiner TC 2100

February 19, 2004

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